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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/649,309

08/27/2003

Ronald W. Hartgrove

11149.0030.NPUS00

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7590

11/02/2005

HOWREY LLP

C/O IP DOCKETING DEPARTMENT

2941 FAIRVIEW PARK DRIVE, SUITE 200

FALLS CHURCH, VA 22042-7195

EXAMINER

LAVINDER, JACK W

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,309

Applicant(s)

HARTGROVE, RONALD W.

Examiner

Jack W. Lavinder

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 14, 16-18, 20-28 and 30-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-11, 14, 16-18, 20, 22-28 and 30-33 is/are rejected.
- 7) ☒ Claim(s) 3 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 4-9, 11, 14, 16-18, 20, 22-28, 30 and 31 have been rejected under 35 U.S.C. 102(b) as being anticipated by Gheblikian, 4905482.

Regarding claims 1-2, 25-26, Gheblikian discloses a jewelry article (10) for an interchangeable setting (14) comprising a body defining a mounting area (12) for holding the setting (14) except substantially along one axis, i.e., the axis extending into and out of the slot (26, figure 4). The article also comprising a module (30) discrete from the setting (14) slidably coupling on the body via grooves (32) from underneath the setting in a direction perpendicular to the one axis for holding the setting in the mounting area (see arrow in figure 6 and col. 2, lines 63-end and col. 3, lines 1-12).

Regarding claims 4 and 5, the module (30) has a front side and a backside as viewed in figure 6, which is at least partially adjacent the two end portions of the setting.

Regarding claims 6-9, 11, 16, 17, 20, and 24, Gheblikian discloses a bridge (indicated by numeral 28) connecting the sides of the ring and forming the bottom of the slot (26). The bridge is defined by the recessed portion (28),

wherein a portion of the module (30) fits onto the side face of the bridge (indicated by numeral 28 in figure 4) from the opening for wearing the article.

Regarding claim 14, Gheblikian discloses a module with a slot that couples with the body slots/grooves (32).

Regarding claims 18, 27-28, and 30, Gheblikian discloses a biasing member, i.e., a screw or threaded shaft (col. 3, lines 19-20).

Regarding claims 22 and 23, the module (30) has a front side and a backside as viewed in figure 6, which is at least partially adjacent the two end portions of the setting.

Regarding claim 31, Gheblikian discloses a slot coupling, i.e., the slot and grooves from the body and the module fit together to allow the module to slide onto the body (32, col. 2, lines 56-62).

Gheblikian also discloses a bridge (indicated by numeral 28) connecting the sides of the ring and forming the bottom of the slot (26). The bridge is defined by the recessed portion (28), wherein a portion of the module (30) fits onto the side face of the bridge (indicated by numeral 28 in figure 4) from the opening for wearing the article.

3. Claims 6 and 10 have been rejected under 35 U.S.C. 102(b) as being anticipated by Hendricks.

Regarding claim 6, Hendricks discloses a jewelry article (figure 1) comprising an interchangeable setting (48), a body (23) with a mounting area defined by the diameter indicated by 39 in figure 2, and a module (27) discrete

from the setting (48) and slidably coupling on the body from a direction other than along the one axis in which the setting is not held (i.e., an axis going into and out of the page in figure 2). Hendricks's body defines a recessed portion that includes a bridge positioned between the mounting area and an opening for wearing the article, i.e., the bridge is recessed in from the elements 24 in figure 2 and defines the bottom of the mounting area defined by diameter 39. The module fits against the side surface of the body (23) that forms the bridge.

Regarding claim 10, Hendricks discloses a mounting area defined by diameter (39), which is defined by a radius and has a circumferential dimension at least greater than half of a circle.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 32 and 33 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Gheblikian in view of Hartgrove, 6715315.

Gheblikian fails to disclose using magnets along with the mechanical coupling between the body and the module.

Hartgrove discloses in figures 5a and 5b that it is old and well known to use magnets (30a, 30b) and a mechanical coupling (27b, 64) to secure a module (20a) to a body of an article of jewelry (20b).

Therefore, it would have been obvious to a person having ordinary skill in the art to provide Gheblikian's module and body with magnets to increase the retention strength between the body and module to prevent unwanted separation therebetween to prevent the loss of the setting.

Allowable Subject Matter

6. Claims 3 and 21 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments


7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack W. Lavinder whose telephone number is 571-272-7119. The examiner can normally be reached on Mon-Friday, 9-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3677

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jack W Lavinder
Primary Examiner
Art Unit 3677

10/28/05